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September 21, 2005

Mary L. Cottrell, Secretary  
Department of Telecommunications and Energy  
One South Station, 2<sup>nd</sup> floor  
Boston, MA 02202

Re: Bay State Gas Company, D.T.E. 05-27

Dear Ms. Cottrell:

Enclosed please find Bay State Gas Company's Appeal of the Revised Reply Briefing Schedule.

Very truly yours,

Robert L. Dewees, Jr.

cc: Caroline O'Brien Bulger, Esq., Hearing Officer  
A. John Sullivan (7 copies)  
Andreas Thanos, Assistant Director, Gas Division  
Alexander Cochis, Assistant Attorney General (4 copies)  
Paul R. Osborne, Assistant Director, Rates & Revenue Requirements Division  
Service List

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Petition of Bay State Gas Company	)	
For Approval of Revised Tarrifs	)	
And Other Rate Modifications	)	

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D.T.E. 05-27

**BAY STATE GAS COMPANY'S APPEAL  
OF THE REVISED REPLY BRIEFING SCHEDULE**

Bay State Gas Company ("Bay State" or the "Company") appeals to the Commission of the Department of Telecommunications and Energy (the "Department") the Revised Reply Briefing Schedule set forth in a memorandum dated September 19, 2005 to all parties, which permits Bay State only four (4) business days in which to respond to the reply briefs of the intervenors in this proceeding. 220 CMR 1.06(6)(d)3, Appeals to the Commission. Bay State requests that the Commission allow Bay State one (1) additional business day, until the close of business on Monday, October 3, 2005, to file its Reply Brief.

The Hearing Officer's initial procedural schedule inadvertently provided that the intervenors file their reply briefs on Saturday, September 24, a date on which the Department's offices are closed. That schedule also provided that the Company file its reply brief on Friday, September 30. On September 6, the Attorney General requested that the Hearing Officer clarify the procedural schedule as to whether intervenor reply briefs were due on Friday, September 23 or Monday, September 26. On September 19,

the Hearing Officer issued a Revised Reply Briefing Schedule that provided for intervenors to file their reply briefs on Monday, September 26, but provided no similar extension for Bay State to file its reply brief, leaving the previously scheduled date, Friday, September 30, in place.

The initial briefs of the intervenors in this proceeding amounted to over 250 pages (Attorney General, 128 pages; the UWUA, 67 pages; the USWA 17, pages; the MOC, 20 pages; KeySpan, 18 pages; and, the DOER, 13 pages.) Bay State's initial brief is 240 pages. Under the current reply briefing schedule, the intervenors will have twelve days after receiving the Company's initial brief to file their reply briefs, and Bay State will have only four days after receiving the intervenor reply briefs to file its reply brief.

The reply briefs of the intervenors will likely be voluminous, and four days is an insufficient period in which to analyze all of the intervenor briefs and prepare and file a reply brief. Given the number of active intervenors, and the number and complexity of issues that have been raised in this proceeding, permitting the Company one additional business day, which would include the preceding weekend, would permit Bay State to more thoroughly address the intervenor reply briefs, ensure a more complete record and assist the Department in its consideration of the Company's filing. The Attorney General has no objection to this request.

In conclusion, Bay State requests that the Commission grant the Company one additional business day, to Monday, October 3, to file its reply brief. Alternatively, Bay State requests that the Department require the intervenors to electronically file their reply briefs on Saturday, September 24, the date for intervenor reply briefs set in the original procedural schedule, and permit hard copy service to be made on Monday, September 26.

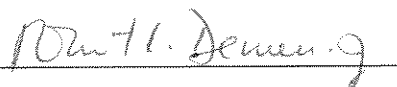
Respectfully submitted,

BAY STATE GAS COMPANY

By its attorneys,



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Dated: September 21, 2005